

REMARKS

The Rejection under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 45 and 60-66 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art the inventors, at the time the application was filed, had possession of the claimed invention. In summary, the Examiner asserts that the specification does not provide a basis for embodiments wherein the "recombinant plant viral nucleic acid" is not a recombinant plant viral vector obtained from a plant RNA virus.

As suggested by the Examiner, the claims have been amended to recite that the unidentified nucleic acid inserts are cloned into a plant RNA viral vector prior to their transient expression in the infected host plant. In light of this amendment, Claim 66 has been canceled. It is believed that these amendments overcome the rejection under 35 U.S.C. § 112, first paragraph. Reconsideration is respectfully requested.

The Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected Claims 45 and 60-70 under 35 U.S.C. § 112, second paragraph. The second paragraph of Section 112 requires that the claims set out and circumscribe a particular area which applicants regard as their invention with a *reasonable* degree of precision and particularity.

Specifically, the Examiner asserts that Claim 45 is vague and indefinite in that the metes and bounds of the phrase "plant viral nucleic acids" are unclear. As suggested by the Examiner, the claims have been amended to recite that the unidentified nucleic acid inserts are inserted into a plant viral vector. The substitution of "vector" for "nucleic acid" in the claims is not intended to be a limiting substitution. A viral vector can be naked RNA or a viral particle. Infection of a plant can be accomplished using either form of the vector. It is believed that the amendment overcomes the rejection under 35 U.S.C. § 112, second paragraph. Reconsideration is respectfully requested.

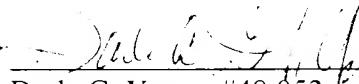
Closing Remarks

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

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Darla G. Yoerg, #48,053
Swanson & Bratschun, P.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, Colorado 80129
Telephone: (303) 268-0066
Facsimile: (303) 268-0065